

12 May 2020

IPC brief

# RCC Briefing of IPC SSD 9649

**Student Accommodation 4-18 Doncaster Avenue, Kensington**



Randwick City Council  
a sense of community

**Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?**

**Yes:**

**Clause 4.6 for boarding room sizes should not be supported as it relies on a condition of consent;**

**Clause 4.6 for FSR should not be supported as the proposed bulk and scale will dominate the heritage item and does not**



# Content

1. Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?
2. Please elaborate on Council's concerns of communal open space inadequacy.
3. The proposed floor levels of the new building vary between RL29.51m and 29.71m (and min 0.5m above the 1% AEP flood level). Do the new levels (and or landscaped areas levels) compromise or exacerbate flooding of the heritage buildings at RL 28.56m?
4. Please provide further details for the Commission's consideration with respect to impacts from the approved residential apartment development and the proposed student accommodation.
5. Does Council still have concerns about the single lane driveway for vehicle access having regard to the Department's recommended condition?
6. Does Council continue to have concerns about the need for dedicated refuse/servicing bays having regard to the Department's recommended condition?
7. Please provide further details for the Commission's consideration with respect to expected impacts from the approved residential apartment development compared with the proposed student accommodation

# 1.

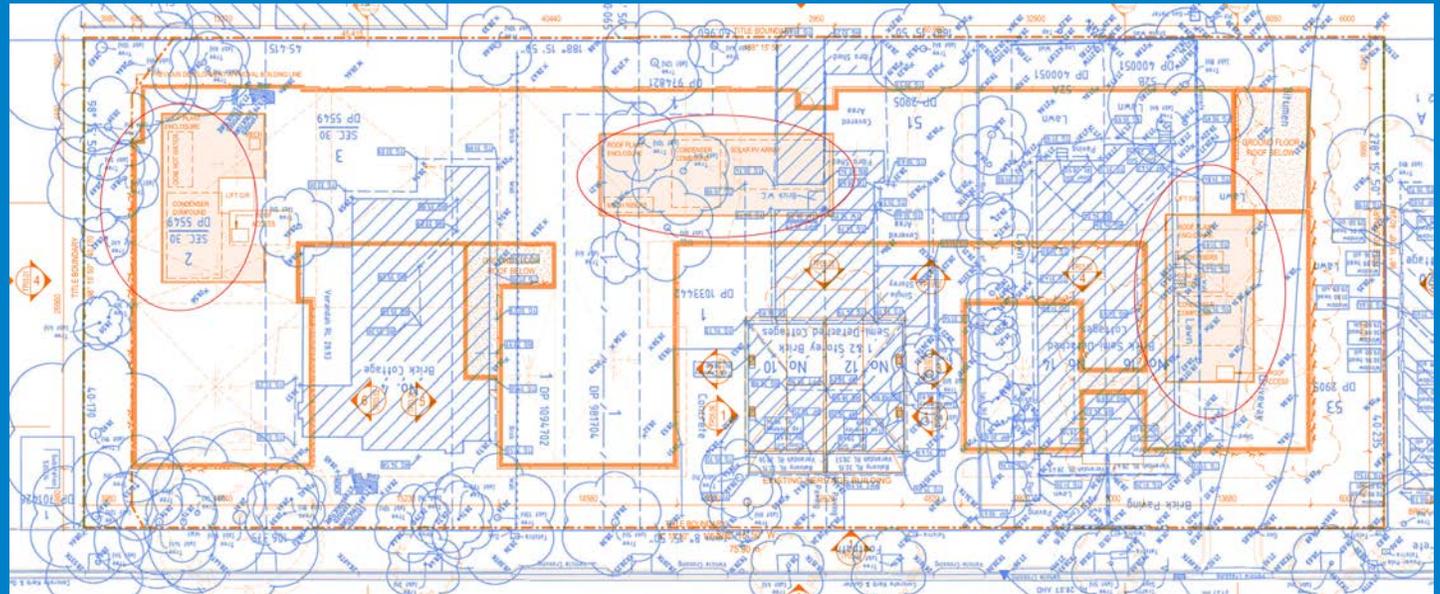
## Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?

- SEPP's:
- SEPP ARH: Clause 4.6 for Boarding rooms sizes: This Clause 4.6 should be refused as it is not appropriate to make a finding that the consent authority is not satisfied and then to address that dissatisfaction by imposing a condition of consent. In (Ref: Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118). Preston CJ states that "Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard." And then at [25]: "The consent authority, must form the positive opinion of satisfaction that the applicant's written request has adequately addressed both of the matters required to be demonstrated by cl 4.6(3)(a) and (b)". As such the failure to satisfy the clause 4.6 as a precondition means that the development must be refused.
- BASIX (2004): Council's opinion is that the proposed development is a BASIX affected development by way of it containing self-contained dwellings. It does not appear a BASIX certificate has been submitted or assessed by the department.

1.

# Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?

- RLEP:
- Height of building: The proposed building height for the plant level over the southern build has a height greater than 12m maximum permitted in the RLEP 2012.



# 1.

## Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?

- FSR: This Clause 4.6 should be refused and does not provide sufficient environmental planning grounds and is not in the public interest for the following reasons:
  - The justifications provided fails to focus on the elements that contravene the development standard and also inconsistent with the objectives of the development standard in that the development will adversely impact on the amenity of adjoining land in terms of overshadowing, visual privacy, and visual bulk. In particular, the floor area at third floor level could be reduced and setback further from the edge of the building to minimise the visual bulk of the building.
  - The justifications provided fails to focus on the elements that contravene the development standard and is also inconsistent with the objectives of the development standard in that the development is incompatible with the desired future streetscape character and incompatible with the scale and character of contributory buildings in a conservation area or near a heritage item. Council considers that referencing a scale of older housing stock situated on the other side of the road is of lesser relevance than the proposed. Further the form and scale of this older housing stock would no longer meet the current standards and provisions.
  - The bonus FSR is being sought for a site that contains a heritage item. Clause 29(1) (c) has purposely been applied to exclude developments of this bulk and scale. The floor area above the standard, would dominate the scale of the heritage item.

# 1.



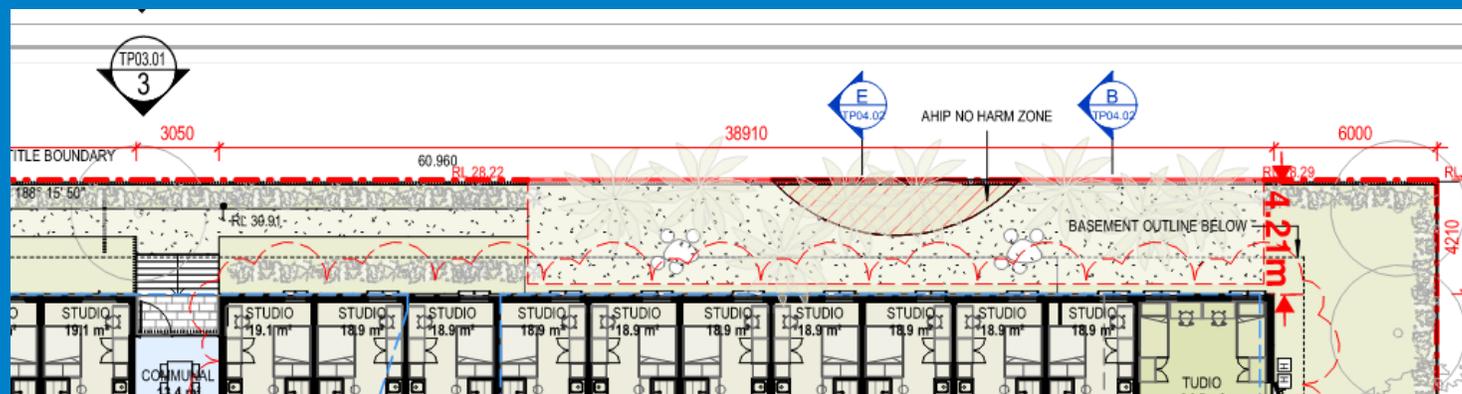
## Does the Council have residual issues or concerns based on the Department's Assessment Report and recommendation?

- Character test (Clause 30A of ARHSEPP):
  - Council's view is that the character for an area undergoing transition and the desired future character of an area (a key objective of the zone) is based on the outcome anticipated by the RLEP and the DCP and therefore the relevant controls within a DCP should form part of the consideration. Of particular relevance, is the 10.5m external wall height control in minimising impacts on the envisaged character of the area.
  - Context: The Context of the site is that it contains a heritage item and is within the heritage conservation area. The character assessment indicates 'modern' buildings across the road assuming its referencing four storey walk-up flat buildings, which is no longer the built form anticipated or encouraged by the current planning controls.
  - Compatibility of use: Council has no major concerns with the compatibility of the use, it does however it is considered that that the lack of amenity for future occupants of the building is unfortunate exhibited by - small sized rooms, lack of parking and floor area above the standard.
  - Impacts on the neighbours:
    - Overshadowing: The proposed development results in greater overshadowing of the southern neighbours north facing windows.
    - Visual bulk: The vertical walls exceeding the maximum 10.5m control will impact neighbours visual amenity.
    - Visual privacy: The proposed southern elevation contains angle windows with clear glazing window behind the vertical louvres and in the absence of details, how can one be sure adequate privacy can be maintained.

## 2.

# Please elaborate on Council's concerns of communal open space inadequacy.

- Council concerns with the shortfall in communal open space relates to the proposal providing only 43% Landscape area and 23% deep soil area and not being consistent with the RDCP controls for medium density development which are subject to 50% landscaped open space and 25% deep soil minimum controls. Council considers that lower than minimum landscaped open space and deep soil within the site if increased from 4.21m to 6m could provide landscaped open space of sufficient size to enable the rear of the site adjacent to the Tram Yard to be used for passive recreational activities, or be capable of growing even greater amounts of substantial vegetation.



- This communal open space provided is inadequate to accommodate the additional needs generated by the additional floor area the proposal is seeking.

**3.**

**The proposed floor levels of the new building vary between RL29.51m and 29.71m (and min 0.5m above the 1% AEP flood level). Do the new levels (and or landscaped areas levels) compromise or exacerbate flooding of the heritage buildings at RL 28.56m?**

- Insufficient modelling accompanies the application to determine whether the proposal will exacerbate flooding of the heritage item.



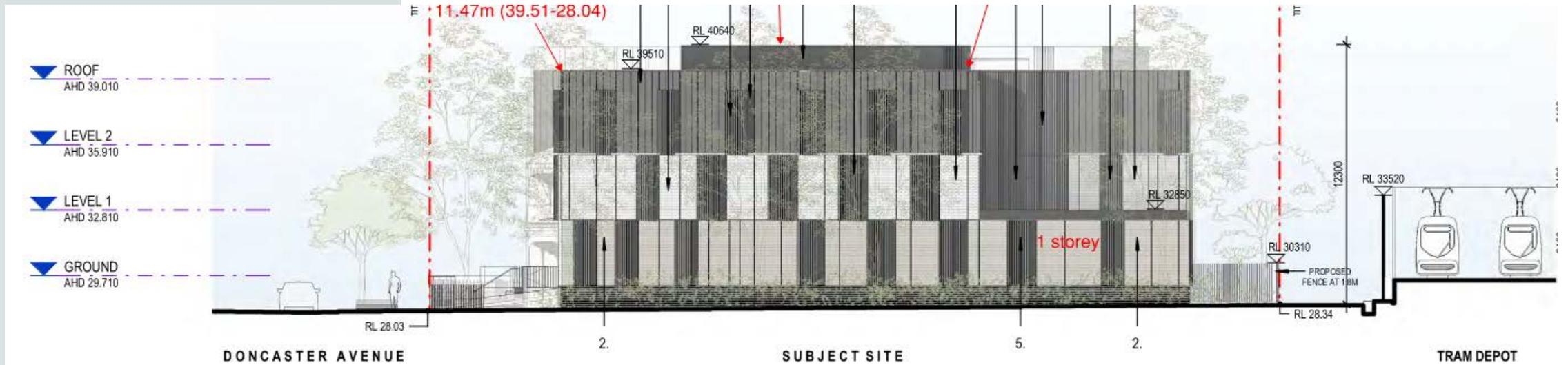
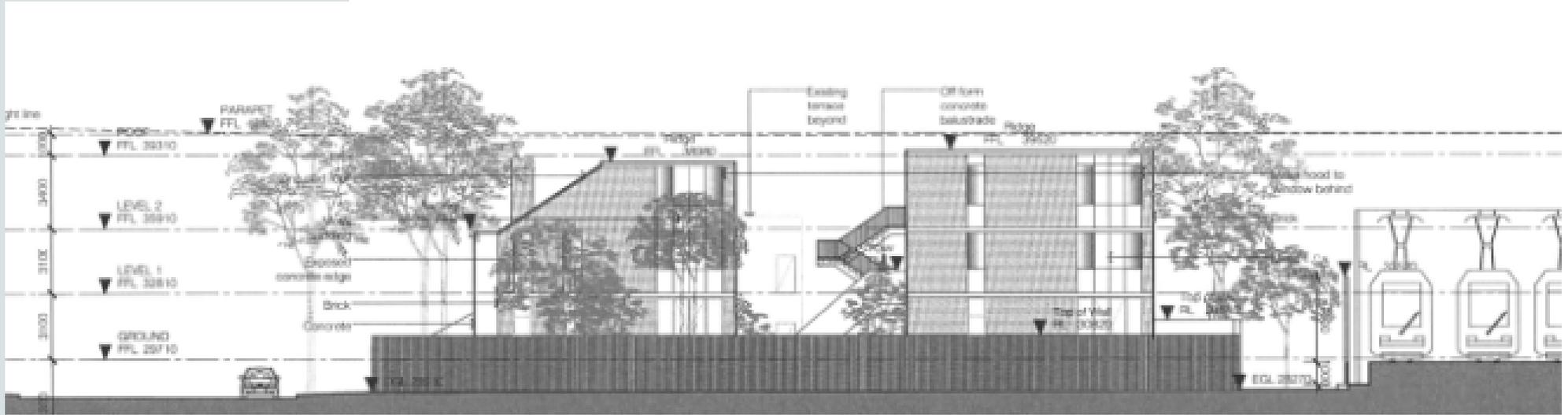
# 4.

## Please provide further details for the Commission's consideration with respect to impacts from the approved residential apartment development and the proposed student accommodation?

- Impacts from the approved residential development and the proposed student accommodation:
  - The approved development demonstrated overshadowing of No. 20 Doncaster Avenue was acceptable on the basis that there was no difference between the proposal and a compliant scheme i.e. 6m setback (ADG) and 10.5m (RDCP) wall height. The proposed development appears to refer to a compliant scheme as being 12m in height (RLEP standard) and 4m side setback (RDCP control).
  - The approved development contained much less bulk and scale for buildings adjacent to the Heritage item to the north and south. To the north of the heritage item, the approved development contained balconies that added depth and lightness to the scheme whereas the proposal contains a 3 storey vertical mass that is only broken up by a mix in materials. To the south of the heritage item, the approval contains a two storey built form with an attic 3<sup>rd</sup> storey whereas the proposal contains a 3 storey vertical mass that is only broken up by a mix in materials.



4.







4.



# 4.

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- Impacts from the approved residential development and the proposed student accommodation:
  - The approved development minimised visual and acoustic privacy impact on No. 20 Doncaster by requiring fixed windows to the southern elevation at 1<sup>st</sup> and 2<sup>nd</sup> floor levels. The proposed southern elevation contains angle windows with clear glazing window behind the vertical louvres and in the absence of details, how can one be sure adequate privacy can be maintained.



# 5.

## Does Council still have concerns about the single lane driveway for vehicle access having regard to the Department's recommended condition?

- B1: The amendment of the vehicular crossing and driveway connecting Doncaster Avenue to the entrance to the basement carpark to accommodate a vehicle waiting bay or alternative design that would allow for two vehicles to safely pass each other (side-by-side) in association with the operation of the signalised traffic management system.
- Its uncertain how this may be achieved without reconfiguring or altering the built form which could have an impact on the amenity and also the heritage item.



6.

## Does Council continue to have concerns about the need for dedicated refuse/servicing bays having regard to the Department's recommended condition?

- Storage and Handling of Waste
- B31. The design and management of facilities for the storage and handling of operational waste must comply with the requirements of Council's Waste Management Guidelines for Proposed Development. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.
- Council raises no objection.

# 7.

## Please provide further details for the Commission's consideration with respect to expected impacts from the approved residential apartment development compared with the proposed student accommodation?

- Its expected the following impacts will arise as a result of the approved development compared with the proposed student accommodation:
  - Greater greater demand for on-street parking due to the proposed increase in number of occupants and shortfall in parking. The approved scheme had a compliant level of parking; The proposed is being assessed as boarding house but the variations such as parking has been accepted on the basis of the development being student accommodation, therefore what mechanism has been incorporated into the consent to ensure (reassure Council) the development will remain as student accommodation only and not as a boarding house.
  - The proposed student accommodation represents a larger population on the site and a greater potential for adverse noise impacts than that associated with the approved development or a boarding house for that matter.
  - Boarding rooms have widths less than 3m, which is considered the minimum width for reasonable amenity include: Studio Type F (1), 7 Bed Cluster Type A (2) and 7 bed Cluster Type B (3).